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REPLY UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Bret M. Berry	§	Docket No.: 31132.172 / PC792.00
	§	
Serial No.: 10/663,554	§	Group Art Unit: 3733
	§	
Filed: September 16, 2003	§	Examiner: Swiger III, James L.
	§	
For: Expansion Tool For Adjustable Spinal Implant	§	Conf. No. 2585
	§	

Mail Stop: AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO FINAL OFFICE ACTION
MAILED SEPTEMBER 16, 2008

I. Introductory Comments

The present paper is submitted in response to the Final Office Action mailed September 16, 2008.

No fees, including extension of time fees, are believed necessary for consideration of the present paper. However, if any fees, including extension of time fees, are necessary, Applicant hereby petitions for the extension of time, and the Commissioner is hereby authorized to charge any fees, including those for the extension of time, to Haynes and Boone, LLP's Deposit Account No. 08-1394.

The **Listing of the Claims** begins on page 2. This listing does not make any changes to the claims. It is provided solely for the convenience of the Examiner.

Remarks begin on page 6.